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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 MELANIE KEENER, an individual,

12  
13 Plaintiff,

14 vs.

15 GERALD R. ANTINORO, an individual;  
STOREY COUNTY, a political subdivision of  
the State of Nevada; DOES I-V, inclusive; and  
16 ROE ENTITIES VI-X, inclusive,

17 Defendants.  
18

Case No.: 3:18-cv-00429-HDM-WGC  
ORDER GRANTING  
**STIPULATION AND (PROPOSED)**  
**ORDER TO CONSOLIDATE**

19 COME NOW the parties, by and through their respective undersigned counsel and file this  
20 Stipulation to Consolidate and in support of the Stipulation show the Court as follows:

21 **I. FACTUAL BACKGROUND**

22 On November 5, 2018 Defendant filed a Motion to Dismiss. On December 3<sup>rd</sup>, 2018 the  
23 Court issued an Order granting the Motion to Dismiss pursuant to LR 7-2 because an opposition had  
24 not been filed. On December 13, 2018 a telephonic conference was held on the Stipulated Motion  
25 to Set Aside the Order on the basis that Defendant's Counsel had granted an extension to Plaintiff's  
26 counsel in which to file the Opposition and thus the Motion to Dismiss should not have been granted  
27  
28

1 on the basis of no opposition having been filed.<sup>1</sup>

2 During the telephonic conference, the Court noted that it appeared as there was another case  
3 with almost identical facts pending in Judge Jones Court and inquired as to why this matter was not  
4 consolidated with that matter since it was the earlier filed action and the only difference that the  
5 Court could see was the additional Title VII claim for Relief. Plaintiff's counsel responded that it  
6 was the intention to do so but before they were able to the Motion to Dismiss had been granted. The  
7 Court therefore reluctantly agreed to set aside the prior Order granting the Motion to Dismiss and  
8 Ordered the Parties to file a Joint Stipulation to consolidate this case into the lower case.

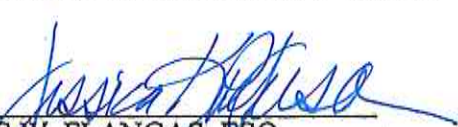
9 Based on the foregoing, for the convenience of the Court and in the interest of effective  
10 judicial administration, the parties hereby STIPULATE that *Keener v. Antinoro, et. al.*, Case No.:  
11 3:18-cv-00429-HDM-WGC, shall be consolidated into *Keener v. Antinoro, et. al.*, Case No.: 3:17-  
12 cv-00498-RCJ-CBC.

13 Dated this 14<sup>th</sup> day of December 2018

Dated this 14<sup>th</sup> day of December 2018

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RANDS, SOUTH & GARDNER

15  
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25 ORDER

26 IT IS SO ORDERED this 28th day of January, 2019.

27   
28 HONORABLE ROBERT C. JONES

  
HONORABLE HOWARD D. MCKIBBEN

<sup>1</sup>Counsel for Plaintiff recognizes that he was required to file a Stipulation notifying the Court of the extension of time and failed to do so and again apologizes to the Court for his failure.